

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

GEORGE JUNIOR GREEN, #1018973,

Petitioner,

v.

ACTION NO. 2:13cv91

HAROLD W. CLARKE,  
Director of the Virginia  
Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, has submitted a pro se petition, pursuant to 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's sentencing in the Circuit Court for the City of Petersburg on September 12, 2011.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation, filed January 3, 2014, recommends dismissal of the petition.

Each party was advised of his right to file written objections to the findings and recommendations made by the

Magistrate Judge. On January 14, 2014, the Court received Petitioner's objections to the Report and Recommendation (ECF No. 16).


The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed January 3, 2014. It is, therefore, **ORDERED** that the petition be **DENIED** and **DISMISSED**. It is further **ORDERED** that judgment be entered in favor of Respondent. Grounds (1), (2), and (3) are **DENIED** because they were procedurally defaulted in state court and Green has failed to show cause and prejudice excusing the default. Ground (4) is **DENIED** because the state court's dismissal of this claim neither (1) "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law," nor (2) "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U.S.C. § 2254(d).

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and therefore, the Court declines to issue any certificate of appealability

pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.

/s/  
Rebecca Beach Smith  
Chief  
United States District Judge 

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Rebecca Beach Smith  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
January 24, 2014